

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT JACKSON, JR.,

Petitioner,

Case Number: 2:06-CV-15676
HONORABLE NANCY G. EDMUNDS

v.

CATHERINE BAUMAN,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
PURSUANT TO FED. R. CIV. P. RULE 60(B)(4)**

On May 11, 2009, the Court denied Michigan state prisoner Robert Jackson, Jr.'s petition for a writ of habeas corpus. This matter is now before the Court on Petitioner's "Motion Pursuant to Fed. R. Civ. P. Rule 60(b)(4)" (ECF No. 37). The Court denies the motion.

Petitioner seeks relief from judgment under Fed. R. Civ. P. 60(b)(4). Rule 60(b)(4) provides for relief in circumstances where the underlying judgment is void. *Antoine v. Atlas Turner, Inc.*, 66 F.3d 105, 108 (6th Cir. 1995). Rule 60(b) motions filed under Rule 60(b)(4) must be brought "within a reasonable time." Fed. R. Civ. P. 60(c)(1). Determining whether a motion has been filed within a reasonable time "ordinarily depends on the facts of a given case including the length and circumstances of the delay, the prejudice to the opposing party by reason of the delay, and the circumstances compelling equitable relief." *Olle v. Henry & Wright, Corp.*, 910 F.2d

357, 365 (6th Cir. 1990). The judgment in this case was entered on May 11, 2009, and the motion is signed and dated by Petitioner on February 18, 2016, over six years later. Petitioner provides no explanation for why he waited so long to file his motion. He does not claim newly-discovered evidence or that he was previously unaware of the basis for his motion. There are no circumstances compelling equitable relief in this case. Given these factors, the court finds that Petitioner's motion was not filed within a reasonable time.

Petitioner's "Motion Pursuant to Fed. R. Civ. P. Rule 60(b)(4)" (ECF No. 37) is DENIED.

s/ Nancy G. Edmunds
NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE

DATE: March 18, 2016